PART III—Section 2

NOTIFICATIONS BY THE HEADS OF DEPARTMENTS

JUDICIAL DEPARTMENT

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Notification No. R. Dis. 3,—1940-50 dated 15th July 1949

Rules under the Mysore Trade Marks Act, 1944.

In the exercise of the power conferred by Section 77 of the Mysore Trade Marks Act, 1944 here in after called the 'Act' the High Court of Mysore has framed the following Rules to regulate the procedure of all proceedings under this Act before it. The Rules will come into effect from the date of publication in the *Mysore Gazette*.

1. In these Rules 'Registrar' means the Registrar of Trade Marks.

2. Applications, affidavits and proceedings under the Act shall be described under the title and in the matter of the Act and in the matter of the Trade Mark.

3. Every application and petition of appeal instituted under the Act shall be drawn up in the manner prescribed by Rules for other applications and petitions of appeal presented to the High Court. They shall be presented in the manner required by Rules 1, 2 and 5 of the High Court Rules.

4. The petition of appeal shall be registered if it is found to satisfy the aforesaid requirements and posted in the first instance for admission before a Bench consisting of not less than two Judges. The Bench so constituted may admit or reject the petition of appeal or may make such order as the circumstances of the case may require.

5. If the appeal is admitted a date shall be fixed for hearing and notice thereof shall be given to the opposite party with a copy of the memorandum of appeal which should be furnished by the Appellant within a week from the date of the order of admitting the appeal or within such further date as may be granted by the Court.

6. All applications to the Court under the Act whether by way of appeal or otherwise shall be served on the Registrar who shall have a right to appear and be heard and shall also appear if so directed by the Court.

7. Where any application or appeal is made to the High Court under the Act, while a suit or other proceeding concerning the Trade Mark is pending before any District Court, the High Court may stay such suit or proceeding until the disposal of the said application or appeal.

8. Where the Registrar makes a reference to the High Court under Section 72 (*b*) of the Act, he shall give notice of that fact to the parties concerned. On receipt of such a reference, the Registrar, High Court, shall fix a date and post the case to that date for hearing and disposal before a Bench consisting of not less than two Judges. The parties concerned shall be given at least seven days' clear notice of the date fixed for hearing.

9. Where under Section 76 (2) of the Act, an applicant becomes entitled and intends to withdraw his application or appeal he shall give notice thereof in writing to the Registrar and to the other parties, if any, to the appeal or application within one month after the leave referred to in that section has been obtained. He shall also give notice to the Registrar of the High Court who shall thereupon forthwith place the appeal before a Bench consisting of not less than two Judges for disposal.

10. Where in a proceeding under the Act involving the question of validity of the registration of a Trade Mark the High Court decides in favour of the proprietor of the Trade Mark, it may direct the Registrar to issue a certificate to that effect.

11. Where the High Court in a proceeding under the Act orders the rectification of the register, a certified copy of every such order which shall be furnished by the party in whose favour the order is made at his own cost, within 14 days from the date of such order, shall be sent by the Registrar of the High Court to the Registrar who shall rectify the register accordingly.

12. In all proceedings under the Act the costs thereof and incidental to such proceedings and also costs of hearing before the Registrar shall save as otherwise provided in the Act be in the discretion of the High Court.

13. Costs in all proceedings under the Act shall ordinarily be calculated according to the Rules prescribed therefor under the Mysore Legal Practitioners' Act, so far as they are applicable and be in the discretion of the High Court.

14. In cases not provided for in the foregoing Rules the provisions of the Code of Civil Procedure and the Rules and Forms of this Court shall apply with the necessary changes in points of detail to all proceedings under the Act.

423 J. RUDRAPPA, *Registrar.*

IN THE COURT OF THE SUBORDINATE JUDG AT BANGALORE.

Insolvency Application No. 4 *of* 1948-49.

G. Jesudas, son of Gnanaprakasam, 54 years Christian Clerk, Binny Mills, residing at No. 19, Obiah lane, Cottonpet, Bangalore City ... ... *Petitioner*

Pursuant to a petition dated 8th September 1948 against (respondents Nazir Mohamed Khan and others and on the application of the petitioner abovenamed and on reading the evidence and hearing the Counsel it is ordered that the debtor be and the said debtor is hereby adjudged insolvent, on 15th July 1949 and the Official Receiver is appointed as Receiver and Petitioner to deposit at Rs. 6 per month with the Official Receiver. Time for discharge 2 years. For proof of debts by 9th September 1949.

Dated this 18th day of July 1949.

742

Insolvency Case No. 20 *of* 1947-48.

Abdul Hameed Khan, son of Ahamed Ali Khan, 35 years, Sherkhan lane, Nagarthpet, Bangalore City. ... *Applicant*

On the application of the petitioner, adjudged insolvent on the 3rd day of September 1948 and upon taking into consideration the report of the Receiver as to the insolvent's conduct and affairs, and hearing the petitioner's counsel.

It is ordered that the insolvent be discharged forthwith.

Dated this 22nd day of July 1949.

742 a C. V. CHENNAPPA, *Pl. Sub-Judge.*

BANGALORE DISTRICT (RURAL).

Notification dated 26th July 1949.

No. J2. C. 39—49-50. In pursuance of the letter No. T 7427—48-49, dated 30th June 1949 from the Secretary Traffic Board, applications from persons intending to run a stage carriage service between Closepet and Hosadurga (*via* Kankanhalli and Kodihalli, in form 21 of Appendix 1 to the Motor Vehicles and Road Traffic Rules, 1945 (annexed below for filling up the newly sanctioned line, are invited, subject to the following conditions of Nationalisation.

(1) The applications should reach the undersigned on or before 10th August 1949.

(2) A temporary permit subject to renewal quarterly as in the case of other permits will be granted.

(3) Permit will be granted only if and when the selected permit holder produces a vehicle duly fitted up with a gas plant and run on producer gas.

(4) No compensation will be admissible in case the permit is terminated in pursuance of the Nationalisation Scheme.

(5) The applicants should have sufficient means to manage the service efficiently and they must have experience in maintaining the Bus service.

(6) The applicants should be ready to produce the Bus before the undersigned for inspection when demanded duly registered in his name.

(7) The applicant should be Mysorean by birth or domicile.

(8) The particulars, required in form 21, should be correctly furnished as otherwise the application will be rejected.

K. SESHAGIRI RAO,
696 *Dist. Magist.* (Rural).

FORM NO. 21.

To

The District Magistrate, ... District, ...

Sir,

I/We, the undersigned, hereby apply for a permit to ply a Stage Carriage in a vacancy advertised in the *Mysore*

Gazette, dated.....in addition to the existing service or services/fresh service, on the.....route or area.

The required particulars are furnished hereunder :—

1	Full name including father's name and address.	.....
2	Present profession and age of applicant.	.....
3	Whether a Mysorean by birth or domicile, (in the latter case a certificate from a Gazetted Officer of Mysore State Service to be enclosed).	.....
4	The extent to which the applicant is solvent and whether a certificate is enclosed.	.....
5	Particulars of experience in motor transport service.	.....
6	Particulars of Stage Carriage or Contract Carriage or Taxi Cab services already running in the name of the applicant.	.....
7	Whether an automobile workshop is owned and if so its location and the value of the machinery possessed.	.....
8	Whether the applicant is prepared to run unremunerative feeder service, if any.	.....
9	The number of vehicles that will ply on the route or area applied for and whether they will run on producer gas or petrol.	.....
10	The registration mark, type, seating capacity and maximum laden weight of the vehicle.	.....
11	Whether particulars of time-table are enclosed	.....

I am/We are at present in possession of vehicles..... available for use under the permit applied for.

I/We hereby declare that the above statements are true.

Station.....
Date.....

Signature or Thumb Impression of the Applicant(s).

TUMKUR DISTRICT.

Notification dated 23rd July 1949.

No. J2. C. 41—48-49. It is hereby notified for the information of the public that a bus service has been sanctioned by the Traffic Board on Kempanahalli Tumkur Line *via* Kunigal and Hebbur and that applications from such of the persons who are intending to run a stage carriage service on this route are invited in Form 21 Appendix I of the Mysore Motor Vehicles and Road Traffic Rules, 1945 (annexed below) along with the requisite certificate of solvency subject to the following conditions :—

1 Applications duly stamped with Re. 0-12-0 court-fee stamp should reach the undersigned on or before the 5th August 1949.

2 The applicant should have sufficient means to manage the service efficiently and he must have experience in maintaining stage carriage services.

3 The bus intended to run on the route should be fitted with the charcoal gas plant and run on producer gas.

4 Only a temporary permit subject to renewal quarterly as in the case of other existing bus permits in the State will be granted.

5 No compensation will be paid in case the permit is terminated under the Nationalisation Scheme.

6 The successful applicant should be prepared to commence the running of the service within fifteen days from the date of communication of the grant of permit to him as per timings scheduled in the margin.

7 Applications received after the due date and which are not in the prescribed form duly filled up will be summarily rejected.

673 K. THIPPERUDRIAH, *Dist. Magist.*

IN THE COURT OF THE SUBORDINATE JUDGE, MYSORE.

Insolvency Case No. 77—1944-45.

S. C. Farnandiz, son of D. Farnandiz, Anglo Indian, Iranagere, Mysore ... *Petitioner-Insolvent.*

vs.

C. G. Locka Singh and others ... *Respondents.*

Reading the order of adjudication passed in the case and hearing the Official Receiver, it is ordered that the said order of adjudication, dated 9th September 1939 passed against the said insolvent be and the same is hereby annulled on nated 25th July 1949.

771 M. SADASIVAIYA, *Sub-Judge.*

CHITALDRUG DISTRICT.

Notification dated Camp Davangere, 27th July 1949.

No. A6. 3040—48-49. Whereas it has been reported that there is an outbreak of plague in Harihar Town and whereas I am satisfied that there is every likelihood of the spread of the infection if persons from surrounding villages are permitted to assemble at the weekly shandies, cinemas or any other public gatherings at Harihar Town and in virtue of the powers vested in me under Sections 76 and 77 of Mysore Public Health Act, I, Sri H. N. Pallegar, M.A., LL.B., Deputy Commissioner, Chitaldrug District, do hereby prohibit the holding of weekly shandy at Harihar Town for a period of two weeks from this date. All persons proceeding to the shandy in contravention of this notification will be sent back.

All the cinemas and dramas, if any, should be closed for a period of two weeks and any assemblage of persons during the period is prohibited.

692 H. N. PALLEGAR, *Dy. Commr. and Dist. Magist.*

REVENUE DEPARTMENT

BANGALORE DISTRICT (RURAL).

Notification dated 26th July 1949.

No. A6.-R. Est. 4—49-50. Under Section 3 (1) of the Minor Tank Restoration Act 1923, as amended from time to time, it is hereby notified for the information of the ryots concerned that it has been proposed to restore Solur Tank Reg. No. 216 of Hoskote Taluk at an estimated cost of Rs. 6,300. The ryots' share of contribution will be Rs. 1,260 being 1/5 of the estimated cost.

Objections, if any, for the above work may be preferred before the Deputy Commissioner, Bangalore District (Rural), within two months from the date of publication of this notification.

Objections, if any, received after the lapse of the said period of two months will not be heard under Section 3 (2) of the same Act.

706

Notification dated 26th July 1949.

No. A6. R. Est. 3—49-50. Under Section 3 (1) of the Minor Tank Restoration Act, 1923, as amended from time to time, it is hereby notified for the information of the ryots concerned that it has been proposed to restore Byalakere Vaddanakatte serial No. 69 of Magadi Taluk, at an estimated cost of Rs. 4,850. The ryots under the Tank have to bear a sum of Rs. 1,110 as their share of contribution towards the work.

Objections, if any, for the above work may be preferred before the Deputy Commissioner, Bangalore District (Rural), within two months from the date of publication.

Objections, if any, received after the lapse of the said period of two months will not be heard under Section 3 (2) of the same Act.

706a

Notification dated 25—26th July 1949.

No. A6. R. Est. 2—49-50. Under Section 3 (1) of the Minor Tank Restoration Act, 1923, as amended from time to time, it is hereby notified for the information of the ryots concerned that it has been proposed to restore Bolal Hottegowdanakere, Reg. No. 362 of Magadi Taluk at an estimated cost of Rs. 4,900. The ryots' share of contribution will be Rs. 1,740 out of which the ryots whose lands are proposed to be irrigated afresh have to bear a sum of Rs. 950 as their share of contribution and pay also a water rate of Rs. 6 per acre. The rest of amount of Rs. 790 (1,740-950), should be borne by the fresh and existing atchkatdars.

Objections, if any, for the above work may be preferred before the Deputy Commissioner, Bangalore District (Rural) within two months from the date of publication of this notification.

Objections, if any, received after the lapse of the said period of two months, will not be heard under Section 3 (2) of the same Act.

706b

Notification dated 26th July 1949.

No. A6. R. Est. 5—49-50. Under Section 3 (1) of the Minor Tanks Restoration Act, 1923 as amended from time to time, it is hereby notified for the information of the raiyets concerned that it has been proposed to restore Satyavara Tank, Reg. No. 108 of Hoskote Taluk at an estimated cost of Rs. 8,000 The raiyets share of contribution will be Rs. 1,600 being 1/5 of the estimated cost.